

EXHIBIT C



U.S. Department of Justice
United States Marshals Service
Office of General Counsel

2604 Jefferson Davis Hwy.
Alexandria, VA 22301

February 14, 2013

Amalie Nash
Detroit Free Press
Detroit, MI

Re: Freedom of Information Act Request No. 2013USMS22859
Subject: Several Booking Photographs

Dear Requester:

The United States Marshals Service (USMS) is responding to your request for the booking photograph(s) of Kwame Kilpatrick, Bernard Kilpatrick and Bobby Ferguson.

Absent a written release from the subject(s) of the request, your request is denied pursuant to Exemptions (b) (6) and (b)(7)(C) of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b). Exemption (b)(6) allows an agency to withhold personnel, medical and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Exemption (b)(7)(C) allows an agency to withhold records or information compiled for law enforcement purposes to the extent that their production could reasonably be expected to constitute an unwarranted invasion of personal privacy. You have not identified any public interest recognized under the FOIA that would be served by release of the mug shot(s) and that would justify invading personal privacy. See U.S. Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989) (to qualify as "public interest" information must "contribute significantly to public understanding of the operations and activities of the government"). Further, a discretionary release of such records or information, if they exist, would be in violation of the Privacy Act of 1974, 5 U.S.C. § 552a.

If you are dissatisfied with my action on this request, you may appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001. Your appeal must be received by OIP within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information/ Privacy Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

William E. Bordley
Associate General
Counsel/ FOIPA Officer
Office of General Counsel